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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH HOLDEN,

Plaintiff,

v.

WYETH PHARMACEUTICALS,

Defendant.

No. C 05-02464 JSW

**ORDER SETTING CASE MANAGEMENT
CONFERENCE AND REQUIRING JOINT
CASE MANAGEMENT CONFERENCE
STATEMENT**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter having been assigned to the Honorable Jeffrey S. White, it is hereby ordered that, pursuant to Fed. R. Civ. P. 16(b) and Civil L. R. 16-10, a Case Management Conference shall be held in this case on September 30, 2005, at 1:30 p.m., in Courtroom 2, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Plaintiff(s) shall serve copies of this Order immediately on all parties to this action, and on any parties subsequently joined, in accordance with Fed. R. Civ. P. 4 and 5. Following service, plaintiff(s) shall file with the Clerk of the Court a certificate reflecting such service, in accordance with Civil L. R. 5-6(a).

The parties shall appear through lead counsel to discuss all items referred to in this Order and with authority to enter stipulations, to make admissions and to agree to further scheduling dates.

The parties shall file a joint case management statement and proposed order no later than **five (5) court days** prior to the conference. If any party is proceeding without counsel, separate statements may be filed by each party. Any request to reschedule the date of the conference shall be made in writing, and by stipulation if possible, at least ten (10) calendar days before the date of the conference and must be based upon good cause. Lead counsel shall meet and confer as required by Fed. R. Civ. P. 26(f) prior to

1 the Case Management Conference with respect to those subjects set forth below. The statements shall not
2 exceed twelve (12) pages in length and shall address the following items in the following order:

- 3 1. A brief description of the basis for this Court's subject-matter jurisdiction, whether any
4 issue exists regarding personal jurisdiction or venue, and whether any parties remain to be
5 served;
- 6 2. A brief description of the case and defenses, the several key factual events underlying the
7 action, and a brief description of any related proceeding, including any administrative
8 proceedings;
- 9 3. A brief description of the legal issues genuinely in dispute, including whether there are any
10 dispositive or partially dispositive issues appropriate for decision by motion or by
11 agreement;
- 12 4. A brief description of the procedural history of the matter, including a list of all pending
13 motions and their current status;
- 14 5. A brief description of the scope of discovery to date, including whether there has been a full
15 and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26;
- 16 6. A formal, agreed-upon plan of the discovery each party intends to pursue, including, but
17 not limited to, based upon the nature of the case, the scope and duration of the discovery
18 and whether the parties can limit discovery in any manner, such as using phased discovery
19 to or limiting the scope of initial discovery matters, as well as a list of key witnesses who the
20 parties deem essential to prove their claims or defenses, and the information each party
21 deems essential to obtain from the other to prove their claims or defenses;
- 22 7. A brief description of the motions each party intends to pursue before trial, the extent to
23 which new parties will be added or existing parties deleted, and the extent to which
24 evidentiary, claim-construction or class certification hearings are anticipated;
- 25 8. A brief description of the relief sought, including the method by which damages are
26 computed;
- 27 9. ADR efforts to date and a specific ADR plan for the case, whether the parties have
28 complied with Civil L. R. 16-8(b) regarding ADR certification, and the prospects for

1 settlement including whether either party wishes to have a settlement conference with
2 another judge or magistrate;

3 10. Whether all parties will consent to assignment of the case to a magistrate judge to conduct
4 all further proceedings including trial;

5 11. Proposed deadlines and court dates, including a discovery cut-off, hearing dispositive
6 motions, pretrial conference and trial date, the anticipated length of trial, the approximate
7 number of witnesses, experts and exhibits, whether the case will be tried by jury or to the
8 Court, whether it is feasible to bifurcate issues for trial or reduce the length of the trial by
9 stipulation, use of summaries or statements, or other expedited means of presenting
10 evidence;

11 12. A service list for all counsel, including telephone and facsimile numbers;

12 13. To the extent not specifically addressed above, all other items set forth in Civil L. R. 16-10.

13 14. In order to assist the Court in evaluating any need for disqualification or recusal, the parties
14 shall disclose to the Court the identities of any person, associations, firms, partnerships,
15 corporations or other entities known by the parties to have either (1) financial interest in the
16 subject matter at issue or in a party to the proceeding; or (2) any other kind of interest that
17 could be substantially affected by the outcome of the proceeding. If disclosure of non-
18 party interested entities or persons has already been made as required by Civil L. R. 3-16,
19 the parties may simply reference the pleading or document in which the disclosure was
20 made. In this regard, counsel are referred to the Court's Recusal Order posted on the
21 Court website at the Judges Information link at www.cand.uscourts.gov.

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23 **IT IS SO ORDERED.**

24 Dated: June 20, 2005

25 _____/s/
JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE
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